

REMARKS

In the Office Action mailed on November 10, 2009, the Examiner objected to claim 63; rejected claims 1-32 and 63 under 35 U.S.C. § 112, second paragraph; rejected claims 1, 32, and 63¹ under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,026 to Hoffman (hereinafter, "Hoffman") in view of U.S. Patent No. 5,291,398 to Hagan (hereinafter, "Hagan"); rejected claims 2-10, 12-14, 33-41, 43-45, 64-72, and 74-76 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman and Hagan in view of U.S. Patent No. 4,985,833 to Oncken (hereinafter, "Oncken"); and rejected claims 15, 16, 46, 47, 77, and 78 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman, Hagan in view of Oncken and further in view of U.S. Patent No. 5,987,436 to Halbrook (hereinafter, "Halbrook").

By this Reply, Applicants amend claims 1, 3, 5, 6, 14, 16, 32, 34, 36, 37, 45, 46, 47, 63, 65, 67, 68, 76, 77, and 78, and cancel claims 10, 41, and 72, without prejudice or disclaimer of their subject matter. No new matter has been added. Claims 11, 17-31, 42, 48-62, 73, and 79-93 were previously canceled. Accordingly, claims 1-9, 12-16, 32-40, 43-47, 63-71, and 74-78 remain pending, and are under current examination.

In view of the foregoing amendments and based on the following remarks, Applicants respectfully traverse the objections and rejections of the claims under 35 U.S.C. §§ 103(a) and 112, second paragraph, and request allowance of pending claims 1-9, 12-16, 32-40, 43-47, 63-71, and 74-78 for at least the following reasons.

¹ While the rejection states "[c]laims 1- rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,297,026) Hoffman in view of (US 5,291,398) [H]agan," the body of the rejection appears to identify claims 1, 32, and 63 as being rejected over Hoffman in view of Hagan. Office Action, pp. 5-7.

I. Examiner Interview

Applicants acknowledge with appreciation the interview granted to Applicants' representatives, Judy Chung and Alysa Brautigam, on February 22, 2010, and the courtesies extended by Examiner Colbert during the interview. During the interview, the Examiner and Applicants' representatives discussed the claim rejections under §§ 103(a) and 112, second paragraph. In particular, the Examiner and Applicants' representatives discussed the amendments shown in the foregoing listing of claims. The Examiner concurred with the amendments to the independent claims, indicating that such amendments would likely make independent claims 1, 32, and 63 allowable. Supplemental to the arguments presented during the interview, Applicants respond below.

II. Claim Objections

In the Office Action, the Examiner objected to claim 63 due to formalities. Specifically, the Examiner indicated that "[c]laim 63 contains a misspelled word 'polarity' which should be 'plurality'". Office Action, p. 2. By this reply, Applicants have amended claim 63 to recite a "plurality." Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claim 63.

III. Rejections under 35 U.S.C. § 112, Second Paragraph

Applicants respectfully traverse the rejection of claims 1-32 and 63 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office Action, p. 3.

The Examiner rejected claim 1, stating that “it is unclear and indefinite as to what [Applicants] mean by ‘a function of the financial institution’. A function of the financial institution to provide cash is varied and indefinite.” Office Action, p. 4. The Examiner further stated that “[c]laims 32 and 63 have a similar issue.” *Id.* While Applicants respectfully disagree with the characterization of the claim recitations, to advance prosecution of this application, Applicants have amended claim 1 to recite, *inter alia*, “wherein the first portion of the financial investment fund is used by the financial institution for providing cash to satisfy the anticipated need for liquidity.” Although different in scope, claims 32 and 63 have been amended to include similar recitations. Claims 2-9 and 12-16 stand rejected under 35 U.S.C. § 112, second paragraph, due to their dependence from independent claim 1.

In addition, the Office Action rejects claim 32, stating that “[i]t is vague, varied, and indefinite as to what ‘component’ is doing the [receiving],” referring to the claim 32 recitation of “a component for receiving” Office Action, p. 4. While Applicants respectfully disagree with the characterization of the recitations of claim 32, to advance prosecution of this application, Applicants have amended claim 32 to recite, *inter alia*, “a receiving component that receives a plurality of individual funds corresponding to a plurality of investors respectively.”

Accordingly, Applicants respectfully request that the rejection of claims 1-32 and 63 under 35 U.S.C. § 112, second paragraph, be withdrawn.

IV. Rejections under 35 U.S.C § 103(a)

Applicants respectfully traverse the rejection of claims 1, 32, and 63 under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of Hagan (Office Action,

pp. 5-7); the rejection of claims 2-10, 12-14, 33-41, 43-45, 64-72, and 74-76 under § 103(a) as being unpatentable over Hoffman, Hagan and Oncken (*id.* at 7-10); and the rejection of claims 15, 16, 46, 47, 77, and 78 under § 103(a) as being unpatentable over Hoffman, Hagan, Oncken and Halbrook (*id.* at pp. 10-11).

Independent claim 1 has been amended to include the subject matter of dependent claim 10, which the Examiner indicated contained allowable subject matter during the February 22, 2010 Examiner Interview. That is, as stated on page 9 of the November 10 Office Action, "Hoffman, Hagan, and Oncken failed to disclose, wherein the financial investment fund is configured to allow at least one of the plurality of investors to withdraw from the financial investment fund at any time regardless of maturity dates of any of the plurality of certificates of deposit," as recited in dependent claim 10. The Examiner did not apply Halbrook, nor does Halbrook disclose the recitations of dependent claim 10. Instead, Halbrook discloses "[a] financial management data processing system [that] determines monetary amounts related to a loan." Halbrook, Abstract.

Accordingly, as acknowledged by the Examiner in the February 22 Examiner Interview, none of Hoffman, Hagan, Oncken, or Halbrook disclose or suggest, *inter alia*, "wherein the financial investment fund is configured to allow at least one of the plurality of investors to withdraw from the financial investment fund at any time regardless of maturity dates of any of the plurality of certificates of deposit," as recited in amended independent claim 1. Moreover, the Office Action has cited no factors which would have motivated one of ordinary skill in the art to modify the cited references to achieve

Applicants' claimed combination. Therefore, amended independent claim 1 is nonobvious over Hoffman, Hagan, Oncken, and Halbrook, and should be allowed.

Amended independent claims 32 and 63, although different in scope, include recitations similar to those of amended independent claim 1. Accordingly, for at least the same reason as set forth above in connection with amended independent claim 1, Hoffman, Hagan, Oncken, and Halbrook also fail to disclose or suggest the recitations of amended independent claims 32 and 63. Therefore, amended independent claims 32 and 63 are also nonobvious over Hoffman, Hagan, Oncken, and Halbrook, and should be allowed.

Claims 2-9 and 12-16 depend from amended independent claim 1. Claims 33-40 and 43-47 depend from amended independent claim 32. Claims 64-71 and 74-78 depend from amended independent claim 63. For at least the same reason as set forth above in connection with their corresponding amended independent claims, Hoffman, Hagan, Oncken, and Halbrook also fail to disclose or suggest the recitations of dependent claims 2-9, 12-16, 33-40, 43-47, 64-71, and 74-78. Therefore, dependent claims 2-9, 12-16, 33-40, 43-47, 64-71, and 74-78 are also nonobvious over Hoffman, Hagan, Oncken, and Halbrook, and should be allowed.

V. Conclusion

In view of the foregoing, Applicants submit that the pending claims are neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

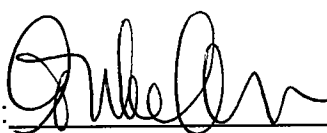
In addition, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: March 10, 2010

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